IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.4239 of 1986**

DATE OF DECISION: August 2, 2006

MANNU LAL & ORS. ...PETITIONERS

VERSUS

CHIEF CANAL OFFICER AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: NONE FOR THE PETITIONERS.
MR. ASHISH KAPOOR, ADDL.A.G., HARYANA

ASHUTOSH MOHUNTA, J. (ORAL)

This order shall also dispose of CWP No.4891 of 1986 and CWP No.2465 of 1987.

The petitioners have prayed for quashing of order Annexure P-3 dated 23.6.1986, passed by the Chief Canal Officer/Chief Engineer, JLN Project, Haryana Irrigation Department on the ground that he did not have the requisite jurisdiction to decide the appeal against the order of the Superintending Canal Officer, Rohtak, vide Annexure P-2.

The primary contention as spelt out from the writ petition is that respondent No.1 was the Chief Engineer, Canals, Haryana on the date when the orders were passed i.e., on 23.6.1986, and therefore, he did not have the powers to decide the appeal as he was not the Chief Canal Officer.

Mr. Ashish Kapoor, learned Addl.A.G., Haryana contends that as per the Notification issued vide Government Letter No.1924-4 PW-II-76/12684 dated 9.4.1976, the Chief Engineer Incharge of specific canal is

also the Chief Canal Officer under the Canal Act and with regard to the cases relating to that canal. A perusal of the impugned Notification clearly shows that the Chief Engineer was also the Chief Canal Officer and had the requisite jurisdiction to decide the appeal emanating from order passed by the Superintending Canal Officer.

In view of the above, I find no merit in the writ petition and the same is dismissed.

August 2, 2006 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**